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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,679	04/30/2001	Timothy Anderson		2287

7590 05/11/2004  
Gerald R. Black, Esq.  
30590 Southfield Road, Suite 160  
Southfield, MI 48076

EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,679

Applicant(s)

ANDERSON, TIMOTHY

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Specification***

The disclosure is objected to because of the following:

The specification is replete with errors. Reference numerals are mentioned which are not present in the drawings, are in the figures referred to, etc. For example, on page 9, Fig. 4 is said to have elements 70, etc., which is not correct. On page 7, numeral 60 is referenced but is not found. The same is true for "33", "40", "70", etc. Further, the amendments to pages 6,7, and 10 must be resubmitted. These pages do not begin and end at the same point as the original pages that replace. In Fig. 3, there appears to be an unnumbered element between elements 62 and 25.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to because there are numerous numbering problems, as discussed above regarding the specification.

Further, many of the other problems discussed above are related to drawings.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The latch of Fig. 5 is not adequately disclosed. The latch of Fig. 7c is also not adequately disclosed. Specifically, it is not clear how the door cover 30 is retained in the recess while permitting plate to engage notch 88.

Claims 1-6, 18 and 20-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "like" which follows "screen" and "type" which follows "canvas" renders these claims vague and indefinite.

The term "lock" which appears in the claims, is inconsistent with the term "latch" used in the specification. These terms do not have the same meaning.

The term "heavy duty" is subjective and indefinite.

In claim 23, there is no antecedent basis for "the garage entryway".

In claim 26, there is no antecedent basis for "the window opening".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pantilla.

See canvas door 12, 34, with screen windows 14 and door 42. The canvas door is rollable, column 4, lines 34-46. The window openings are adjustable when the canvas

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door is rolled up, thereby "closing" the upper ends thereof. See side securing means 16,28.

All recitations to the garage are purely functional.

Claims 18,20,22 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woodside et al.

The first and second members are the opening frame members which are in turn attached to the building frame members. See roller 212, side bars 204, retainer 10A. Regarding claim 23, the term "door", which is positively recited in this claim, does not convey any specific structural meaning which would differentiate it from a window, i.e. "window" and "door" are not structurally different by name only. Consequently, the Woodside et al device, which is for windows "and the like", reads on the "door" of claim 23.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coad in view of Morales.

Coad discloses flexible door 24 of "solid sheets, woven fabrics, as well as...opaque sheets", column 7, lines 16-18, all of which meet the indefinite limitation "canvas-type". What is not shown is a window in the door for viewing, ventilation, etc.

However, Morales discloses a solid fabric panel which further has a screened opening therein and a cover therefore. In view of this teaching, it would have been obvious to provide the flexible doors of Coad with such a window so as to promote ventilation, viewing, etc.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodside et al in view of Morales.

Morales is applied to Woodside et al as it has been applied to Coad, above.

### ***Response to Arguments***

Most of Applicant's arguments but are moot in view of the new ground(s) of rejection. Applicant appears to attach excessive significance to "garage" and "door". The term "door" has been discussed above and the term "garage" further has little meaning in that even garages have doors for pedestrians. Further, the positive recitation of the garage and that it becomes another room as a result of the invention has little meaning in that the garage itself is not being changed or effected by the door.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

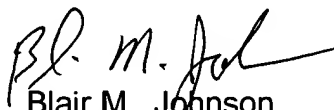
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
5/6/04